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Attorneys for Defendant Deutsche Bank
National Trust Company, as Trustee for
Alliance Bancorp Mortgage Backed Pass-
Through Certificate Series 2007-OA1

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

In re
STEVEN MARK ROSENBERG,
Debtor.

STEVEN MARK ROSENBERG,
Plaintiff,

vs.

ALLIANCE BANCORP, INC (Estate),
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,
OCWEN LOAN SERVICING, ONE
WEST BANK, DEUTSCHE BANK
NATIONAL TRUST COMPANY, AS
TRUSTEE FOR ALLIANCE
BANCORP MORTGAGE BACKED
PASS-THROUGH CERTIFICATE
SERIES 2007-OA1 AND DOES 1
THROUGH 25, INCLUSIVE,
Defendants.

Case No. 1:17-bk-11748-VK

Chapter 7

Adv No. 1:17-ap-01096-VK

**NOTICE BY DEFENDANT
DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS TRUSTEE
FOR ALLIANCE BANCORP
MORTGAGE BACKED PASS-
THROUGH CERTIFICATE SERIES
2007-OA1 OF JOINDER AND
JOINDER IN MOTION FOR
JUDGMENT ON THE PLEADINGS
BY DEFENDANTS OCWEN LOAN
SERVICING, LLC AND
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.**

Date: April 4, 2018
Time: 2:30 p.m.
Crtrm: 301

**TO THE COURT, AND TO ALL PARTIES AND THEIR COUNSEL OF
RECORD:**

PLEASE TAKE NOTE THAT defendant Deutsche Bank National Trust Company, as Trustee for Alliance Bancorp Mortgage Backed Pass-Through Certificate Series 2007-OA1 (“Deutsche Bank”) hereby joins in the Notice and Motion for Judgment on the Pleadings filed by defendants Ocwen Loan Servicing, LLC (“Ocwen”) and Mortgage Electronic Registration Systems, Inc. (“MERS”) on February 13, 2018 and February 15, 2018, and each of the arguments and authorities found therein. (See, Dkt. Nos. 15, 16, 17 and 19.) Deutsche Bank also joins in the Request for Judicial Notice filed in support of Motion for Judgment on the Pleadings. (Dkt. No. 17.)

Since this is not a core matter under 28 U.S.C. § 157, Deutsche Bank does not consent to the entry of final orders or judgments by the bankruptcy judge. (See, Fed. R. Bankr. P. 7012(b).)

By way of this adversary proceeding, plaintiff Steven Mark Rosenberg (“Rosenberg”) seeks damages and declaratory relief in connection with the deed of trust, recorded on March 15, 2007 as instrument number 2007-0575007, (“March 2007 DOT”) and securing a \$390,000 promissory note on a \$390,000 loan made to Rosenberg’s father (the “Loan”).¹ (Dkt. 1, Complaint, p. 9.) Deutsche Bank is the current beneficiary of the loan secured by the March 2007 DOT.

Rosenberg’s allegations against Deutsche Bank are identical to the allegations Rosenberg has asserted against Ocwen and MERS. As with his allegations against Ocwen and MERS, Rosenberg’s allegations against Deutsche Bank arise from the March 2007 DOT and arise from the same conduct Rosenberg attributes to Ocwen and MERS.

¹ There is no dispute by Rosenberg that the Loan was in fact funded. The Loan was used by Rosenberg’s father to pay off an existing mortgage in the amount of \$361,288.97, \$26,821.84 in credit card debt, \$385.93 in unpaid property taxes, and \$711.00 in fire insurance premiums.

1 Rosenberg's allegations of a "violation of 11 U.S.C. § 524(a)(2)" as asserted
2 by Rosenberg in his first claim for relief against Deutsche Bank are identical to the
3 allegations asserted against Ocwen and MERS under the same claim for relief. (Dkt.
4 1, Complaint, paras. 61-64.) Accordingly, the allegations are deficient for the same
5 reasons set forth in Ocwen and MERS' motion for judgment on the pleadings. (Dkt.
6 16, Motion, p. 7-8.)

7 Rosenberg's allegations of a purported "violation of FRBP, Rule 3001" as
8 asserted by Rosenberg in his second claim for relief against Deutsche Bank are
9 identical to the allegations asserted against Ocwen and MERS under the same claim
10 for relief. (Dkt. 1, Complaint, paras. 66-67.) Accordingly, the allegations are deficient
11 for the same reasons set forth in Ocwen and MERS' motion for judgment on the
12 pleadings. (Dkt. 16, Motion, p. 8-10.)

13 Rosenberg's allegations of a purported "violation of FRBP, Rule 3001" as
14 asserted by Rosenberg in his third claim for relief against Deutsche Bank are identical
15 to the allegations asserted against Ocwen and MERS under the same claim for relief.
16 (Dkt. 1, Complaint, paras. 69-70.) Accordingly, the allegations are deficient for the
17 same reasons set forth in Ocwen and MERS' motion for judgment on the pleadings.
18 (Dkt. 16, Motion, p. 8-10.)

19 Rosenberg's allegations of "fraudulent concealment" as asserted by Rosenberg
20 in his fourth claim for relief against Deutsche Bank are identical to the allegations
21 asserted against Ocwen and MERS under the same claim for relief. (Dkt. 1,
22 Complaint, paras. 72-74.) Accordingly, the allegations are deficient for the same
23 reasons set forth in Ocwen and MERS' motion for judgment on the pleadings. (Dkt.
24 16, Motion, p. 10-14.)

25 Rosenberg's allegations of a purported "violation of 18 U.S.C. § 157" as
26 asserted by Rosenberg in his fifth claim for relief against Deutsche Bank are identical
27 to the allegations asserted against Ocwen and MERS under the same claim for relief.
28 (Dkt. 1, Complaint, paras. 76-78.) Accordingly, the allegations are deficient for the

1 same reasons set forth in Ocwen and MERS' motion for judgment on the pleadings.
2 (Dkt. 16, Motion, p. 10-14.)

3 Rosenberg's allegations in support of his claim for declaratory relief as asserted
4 by Rosenberg in his fifth claim for relief against Deutsche Bank are identical to the
5 allegations asserted against Ocwen and MERS under the same claim for relief. (Dkt.
6 1, Complaint, paras. 80-85.) Accordingly, the allegations are deficient for the same
7 reasons set forth in Ocwen and MERS' motion for judgment on the pleadings. (Dkt.
8 16, Motion, p. 14-15.)

9 Lastly, as set forth in Ocwen and MERS' motion for judgment on the pleadings,
10 Rosenberg's claims of forgery, cancellation or rescission against the March 2007
11 DOT are time barred. (Dkt. 16, Motion, p. 5-7.) This adversary proceeding was filed
12 against Deutsche Bank and others long after the prescribed four-year statute of
13 limitations expired. These claims are time-barred as against Deutsche Bank as they
14 are against Ocwen and MERS. Accordingly, Rosenberg's claims are subject to
15 dismissal and Deutsche Bank is entitled to judgment in its favor on those claims.

16 For the reasons stated above, and for all the reasons stated in Ocwen and
17 MERS' motion for judgment on the pleadings, Deutsche Bank respectfully requests
18 that this Court grant Ocwen and MERS' motion for judgment on the pleadings, and
19 dismiss Rosenberg's complaint, and each of its asserted claims for relief, with
20 prejudice as to Ocwen, MERS, and Deutsche Bank.

21 DATED: March 9, 2018

GARRETT & TULLY, P.C.

Robert Garrett

Tomas A. Ortiz


TOMAS A. ORTIZ

Attorneys for Defendant Deutsche Bank National Trust
Company, as Trustee for Alliance Bancorp Mortgage
Backed Pass-Through Certificate Series 2007-OA1

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
225 S. Lake Avenue, Suite 1400 Pasadena, CA 91101

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE BY DEFENDANT DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR ALLIANCE BANCORP MORTGAGE BACKED PASS-THROUGH CERTIFICATE SERIES 2007-OA1 OF JOINDER AND JOINDER IN MOTION FOR JUDGMENT ON THE PLEADINGS BY DEFENDANTS OCWEN LOAN SERVICING, LLC AND MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) **3/9/18**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Amy L. Goldman (TR) marisol.jaramillo@lewisbribois.com; AGoldman@iq7technology.com;
ustpreion16.wh.ecf@usdoj.gov; Marvin Adviento, Lukasz I. Wozniak, Def. Alliance Bancorp, Inc, Deutsche Bank Natl.
Trust Co. as Trustee for Alliance Bancorp Mortgage Backed Pass-Through Certificate Series 2007-OAO1, Mortgage
Electronic Registration Systems; Ocwen LLC; madivento@wrightlegal.net; mjohnson@wrightlegal.net;
Lwozniak@wrightlegal.net

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) **3/9/18**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Steven Mark Rosenberg
106-1/2 Judge John Aiso St., #225
Los Angeles, CA 90012

U.S. Trustee (SV)
915 Wilshire Blvd, Ste 1850
Los Angeles, CA 90017

One West Bank
888 East Walnut St.
Pasadena, CA 91101

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) **3/9/18**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Victoria S. Kaufman
United States Bankruptcy Court - Central District of California
21041 Burbank Blvd, Suite 354 / Courtroom 301
Woodland Hills, CA 91367

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

3/9/18 Delorise Cameron
Date Printed Name

/s/ Delorise Cameron
Signature